

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JANE ROE, as next of friend for PIA, and
JENNY,

Case No. 2:23-cv-01199-JCM-NJK

Plaintiff(s),

Order

V.

[Docket No. 3]

STEPHEN RICHARDSON,

Defendant(s).

Pending before the Court is Plaintiffs' motion to proceed under pseudonyms. Docket No.

3. Defendant has not yet appeared in the case. The motion is properly resolved without a hearing.

See Local Rule 78-1. For the reasons discussed below, the motion is GRANTED.

I. BACKGROUND

This is a civil action to recover damages as victims of child pornography crimes. “Pia” and “Jenny” are both victims depicted in child pornography series. *See* Docket No. 1 at ¶¶ 2, 4. Pia is a minor and Jane Roe is her mother. *See id.* at ¶ 1. The complaint alleges that Defendant was convicted of receipt of child pornography in a case involving images of, *inter alia*, Pia and Jenny. *Id.* at ¶ 15.

On July 28, 2023, Plaintiffs filed a motion to proceed using pseudonyms, which is the matter currently before the Court.

I. STANDARDS

Plaintiffs generally must identify themselves in their complaint pursuant to Rule 10(a) of the Federal Rules of Civil Procedure, as well as the public's common law right to access to judicial proceedings. *See Doe v. Kamehameha Sch./Bernice Pauahi Bishop Estate*, 596 F.3d 1036, 1042 (9th Cir. 2010); *Doe I Thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). Nonetheless, courts allow pseudonymity when special circumstances justify secrecy. *Advanced*

1 *Textile*, 214 F.3d at 1067. “As a general rule, ‘the identity of the parties in any action, civil or
 2 criminal, should not be concealed except in an unusual case, where there is a need for the cloak of
 3 anonymity.’” *United States v. Stoterau*, 524 F.3d 988, 1012 (9th Cir.2008) (quoting *United States
 4 v. Doe*, 488 F.3d 1154, 1155 n. 1 (9th Cir.2007)).

5 To determine whether to allow a party to proceed using a pseudonym, “a district court must
 6 balance five factors: (1) the severity of the threatened harm, (2) the reasonableness of the
 7 anonymous party’s fears, ... (3) the anonymous party’s vulnerability to such retaliation, (4) the
 8 prejudice to the opposing party, and (5) the public interest.” *Kamehameha*, 596 F.3d at 1042
 9 (internal quotations omitted).

10 The Ninth Circuit has identified three situations in which requests for pseudonymity have
 11 been granted: (1) when identification creates a risk of retaliatory physical or mental harm; (2) when
 12 anonymity is necessary to preserve privacy in a matter of a sensitive and highly personal nature;
 13 and (3) when the anonymous party is compelled to admit his or her intention to engage in illegal
 14 conduct, thereby risking criminal prosecution. *Advanced Textile*, 214 F.3d at 1068. Courts
 15 routinely allow plaintiffs alleging sexual assault to proceed under pseudonyms. *N.S. v. Rockett*,
 16 2017 WL 1365223, at *2 (D. Ore. Apr. 10, 2017) (collecting cases); *see also Jordan v. Gardner*,
 17 986 F.2d 1521, 1525 n.4 (9th Cir. 1993). Courts also routinely allow plaintiffs alleging to be
 18 victims of child pornography offenses to proceed under pseudonyms. *See, e.g., Jessy v. Dinkfield*,
 19 2019 WL 4233579, at *1-2 (C.D. Cal. June 5, 2019).

20 **II. ANALYSIS**

21 Given the serious and sensitive nature of the allegations regarding child pornography
 22 involving Plaintiffs Pia and Jenny, there is a likelihood that they will suffer personal
 23 embarrassment and further emotional injury if forced to proceed in this litigation with their real
 24 names. Such personal harm outweighs any potential prejudice to Defendant. “Further, allowing
 25 victims of child pornography to proceed anonymously serves a strong public interest in protecting
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1 their identities so that other victims will not be deterred from reporting such crimes and seeking
2 civil remedies.” *Jessy*, 2019 WL 4233579, at *2.¹

3 Although less developed in the moving papers, the Court is also persuaded that Pia’s
4 mother can proceed as “Jane Roe.” She explains that the revelation of her identity could reveal
5 Pia’s true identity, which could then lead to further inquiry or a determination of Pia’s location.
6 Docket No. 3 at 4, 11. The papers further explain that victims of child pornography and their
7 supporters have been targets of animosity and threatened violence. *See* Docket No. 3-1 at ¶ 4.

8 **III. CONCLUSION**

9 For the reasons discussed above, the motion to proceed under pseudonyms is **GRANTED**.

10 IT IS SO ORDERED.

11 Dated: August 30, 2023

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13 Nancy J. Koppe
United States Magistrate Judge

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28¹ Pia remains a minor, so her full name would not be revealed at any rate. *See, e.g.*, Fed.
R. Civ. P. 5.2(a)(3).